



General Assembly

Substitute Bill No. 1330

January Session, 2001

***AN ACT AUTHORIZING A PRIORITY LIEN ON A MOBILE
MANUFACTURED HOME FOR UNPAID RENT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Subsection (e) of section 21-80 of the general statutes is repealed and
2 the following is substituted in lieu thereof:

3 (e) (1) If (A) a judgment for possession has been entered against the
4 resident and all occupants of a mobile manufactured home pursuant to
5 chapter 832 and this section; (B) no rent or other payment has been
6 received for the use and occupancy of the lot upon which the mobile
7 manufactured home is situated for at least four months; (C) at least
8 sixty days have passed since the expiration of the last stay of execution
9 pursuant to chapter 832 and this section; and (D) notwithstanding the
10 provisions of section 47a-42, the mobile manufactured home remains
11 upon the lot, the owner of the mobile manufactured home park may
12 initiate a petition to the Superior Court pursuant to this section. Such
13 petition may be brought as a supplemental proceeding in the summary
14 process action, in which case no additional entry fee shall be required.

15 (2) The petition shall allege the acts specified in subdivision (1) of
16 this subsection and, in addition, shall allege supporting facts which
17 demonstrate that the owner of the mobile manufactured home has
18 failed or refused to make reasonable efforts to remove the home from
19 the lot or to sell the home in place or that, in spite of reasonable efforts

20 to locate the owner of the mobile manufactured home or such owner's
21 representative, the owner of the mobile manufactured home park has
22 been unable to locate such owner. Reasonable efforts to locate the
23 owner of the mobile manufactured home shall include, but not be
24 limited to, reasonable inquiry of relatives or associates of the owner of
25 the home, if known to the owner of the park, and of other residents of
26 the park.

27 (3) A copy of the petition and the notice of the hearing on the
28 petition shall be given to the owner of the mobile manufactured home,
29 the municipality and all lienholders who have recorded a lien against
30 the mobile manufactured home [or of whom the owner of the mobile
31 manufactured home park has actual knowledge] on the land records of
32 the town in which the mobile manufactured home park is located or
33 with the Secretary of the State. Notice to the municipality and to
34 lienholders shall be by certified mail. Notice to the owner of the mobile
35 manufactured home shall be designed to maximize the likelihood that
36 the owner will receive actual notice of the petition, without regard to
37 whether the owner appeared in the summary process action. Such
38 notice to the owner of the mobile manufactured home shall be
39 conspicuously posted at the entrance to the mobile manufactured
40 home and also sent by certified or registered mail, return receipt
41 requested, to the owner of the mobile manufactured home and to the
42 attorney, if any, who appeared for such owner in the summary process
43 action. Notice to the owner of the mobile manufactured home shall be
44 sent to such owner at [his] the owner's last-known address and also to
45 such owner in care of any other person reasonably believed to know
46 the location of the owner. The court may require supplemental notice if
47 it finds that additional notice is likely to result in actual notice to the
48 owner of the mobile manufactured home.

49 (4) At the hearing on the petition, the court shall determine whether
50 all the requirements of subdivisions (1), (2) and (3) of this subsection
51 have been satisfied and, if they have, shall also determine whether the
52 home has been abandoned. If such requirements have been satisfied
53 and such home has been abandoned, the court shall order the owner of

54 the mobile manufactured home park to conduct a public sale of the
55 home. Nothing in this section shall preclude the court from deferring
56 the entry of an order requiring sale and from issuing other appropriate
57 orders, if the court finds that, within a reasonable period of time, the
58 owner of the mobile manufactured home will remove the home from
59 the lot or dispose of the home by sale or will make other appropriate
60 arrangements with the park owner. The order directing sale shall
61 require notice which includes a conspicuous statement that the sale
62 will extinguish all previous ownership and lien rights. Notice shall be
63 given by certified or registered mail, return receipt requested, to all
64 persons entitled to notice of the petition. Notice shall also be posted
65 conspicuously at the entrance of the home and shall be advertised at
66 least three times in the real estate section of a daily paper with general
67 circulation in the area where the park is situated. Any person,
68 including a lienholder or the owner of the mobile manufactured home
69 park, may bid at the sale. The proceeds of such sale shall be applied
70 first to the costs of the sale; then to an arrearage in rent or other
71 payment for the use and occupancy of the lot upon which the mobile
72 manufactured home is situated in an amount up to and including the
73 value of six months' rent or other payment for the use and occupancy
74 of the lot documented as unpaid and then to the payment of
75 lienholders in the order of the priority of their liens. If proceeds remain
76 thereafter they shall be paid over to the owner of the mobile
77 manufactured home. Upon conclusion of the sale, the park owner shall
78 file an affidavit with the court setting forth the nature of its compliance
79 with the court's order of sale, including documentation of all costs of
80 the sale and of any amount claimed as unpaid rent or other payment
81 for the use and occupancy of the lot upon which the mobile
82 manufactured home is situated. The court, upon finding compliance
83 with its order, and that all claimed costs are adequately documented
84 shall issue a conveyance of title and release of liens, if any, to the
85 purchaser for filing in the land records, which shall constitute good
86 title to the home, and no execution shall issue on the original summary
87 process action.

GL *JOINT FAVORABLE SUBST.*